

Montgomery school system poised to fight proposed budget cuts

By Michael Laris and Michael Birnbaum
Washington Post Staff Writers
Tuesday, May 4, 2010; B01

Montgomery County's biggest spender -- [the public school system -- has been conspicuously quiet](#) in the weeks since County Executive Isiah Leggett (D) proposed giving the expanding system \$137 million less than school officials requested.

The silence has now ended, with an exclamation point -- and a threat.

The schools have sent county officials a draft of a lawsuit they say would be filed against the county to seek an injunction if the school budget is cut any further.

The move represents an aggressive challenge to the way government operates in Montgomery and to the power of the County Council, which has long set the spending levels for the public schools and other county agencies. A draft of the lawsuit, which was taken up in closed session Monday, argues that the council cannot decrease Leggett's proposed school budget.

Council members rejected that assertion outright.

"If that were true, all nine council members might as well just pack up our offices and leave, because the school board and the superintendent would run the county," said council member Valerie Ervin (D-Silver Spring). "Our very existence is being threatened. . . . It's very clear in our charter, and we believe it's clear in the law, that we have the authority to make these funding decisions, and we always have."

But Superintendent Jerry D. Weast said that the law is on the schools' side and that it compels him to aggressively pursue "what I think is necessary for the children."

"It's not inflammatory. It's the law. If they cut below Ike's budget, which we agree with and think is sound, you would have to use every mechanism we have in the law," Weast said.

According to the draft lawsuit, "the authority to deny or reduce the annual budget submitted by the School Board rests solely with the County Executive." Disrupting funding "will wreak havoc on the public school children of this county," it reads.

Weast said the county is violating a state law on maintaining funding levels. The county could lose more than \$50 million if state officials reject its request for a waiver from that law, he said.

"I thought we were being decent pointing out to them they wouldn't want to violate another law. I thought we were very decent in showing them what we would have to do," Weast said.

Council member Marc Elrich (D-At Large) said he regretted the sharp shift in tone. "Everybody should appreciate the bind the county's in," Elrich said. Still, he said, the county would prevail in any suit: "We're the appropriating authority in the county."

Driving the threat, in part, was [a move by a council committee last week](#) endorsing the concept that all county agencies should be treated equitably when it comes to taking furloughs. Schools have rejected furloughs.

Board of Education President Patricia O'Neill (Bethesda-Chevy Chase) said Council President Nancy Floreen (D-At Large) has told school board members that schools should expect an additional \$30 million cut beyond the \$137.7 million on the table and that the cut was supposed to represent a five-day furlough.

But O'Neill said the school system is "not going to be bullied into submission by the council."

"I'm sorry that's their characterization. We made every effort to ask for their help," Floreen said.